

Chapter 108D.

Medicaid Managed Care for Behavioral Health Services.

Article 1.

General Provisions.

§ 108D-1. Definitions.

The following definitions apply in this Chapter, unless the context clearly requires otherwise:

- (1) **Applicant.** – A provider of mental health, intellectual or developmental disabilities, and substance abuse services who is seeking to participate in the closed network of one or more local management entity/managed care organizations.
- (2) **Closed network.** – The network of providers that have contracted with a local management entity/managed care organization to furnish mental health, intellectual or developmental disabilities, and substance abuse services to enrollees.
- (3) **Contested case hearing.** – The hearing or hearings conducted at the Office of Administrative Hearings under G.S. 108D-15 to resolve a dispute between an enrollee and a local management entity/managed care organization about a managed care action.
- (4) **Department.** – The North Carolina Department of Health and Human Services.
- (5) **Emergency medical condition.** – As defined in 42 C.F.R. § 438.114.
- (6) **Emergency services.** – As defined in 42 C.F.R. § 438.114.
- (7) **Enrollee.** – A Medicaid beneficiary who is currently enrolled with a local management entity/managed care organization.
- (8) **Local Management Entity or LME.** – As defined in G.S. 122C-3(20b).
- (9) **Local Management Entity/Managed Care Organization or LME/MCO.** – As defined in G.S. 122C-3(20c).
- (10) **Managed care action.** – An action, as defined in 42 C.F.R. § 438.400(b).
- (11) **Managed Care Organization or MCO.** – As defined in 42 C.F.R. § 438.2.
- (12) **Mental health, intellectual or developmental disabilities, and substance abuse services or MH/IDD/SA services.** – Those mental health, intellectual or developmental disabilities, and substance abuse services covered under a contract in effect between the Department of Health and Human Services and a local management entity to operate a managed care organization or prepaid inpatient health plan (PIHP) under the 1915(b)/(c) Medicaid Waiver approved by the federal Centers for Medicare and Medicaid Services (CMS).
- (13) **Network provider.** – An appropriately credentialed provider of mental health, intellectual or developmental disabilities, and substance abuse services that has entered into a contract for participation in the closed network of one or more local management entity/managed care organizations.
- (14) **Notice of managed care action.** – The notice required by 42 C.F.R. § 438.404.
- (15) **Notice of resolution.** – The notice described in 42 C.F.R. § 438.408(e).
- (16) **OAH.** – The North Carolina Office of Administrative Hearings.
- (17) **Prepaid Inpatient Health Plan or PIHP.** – As defined in 42 C.F.R. § 438.2.

- (18) Provider of emergency services. – A provider that is qualified to furnish emergency services to evaluate or stabilize an enrollee's emergency medical condition. (2013-397, s. 1.)

§ 108D-2. Scope; applicability of this Chapter.

This Chapter applies to every LME/MCO and to every applicant, enrollee, provider of emergency services, and network provider of an LME/MCO. (2013-397, s. 1.)

§ 108D-3. Conflicts; severability.

(a) To the extent that this Chapter conflicts with the Social Security Act or 42 C.F.R. Part 438, federal law prevails.

(b) To the extent that this Chapter conflicts with any other provision of State law that is contrary to the principles of managed care that will ensure successful containment of costs for behavioral health care services, this Chapter prevails and applies.

(c) If any section, term, or provision of this Chapter is adjudged invalid for any reason, these judgments shall not affect, impair, or invalidate any other section, term, or provision of this Chapter, but the remaining sections, terms, and provisions shall be and remain in full force and effect. (2013-397, s. 1.)

§ 108D-4: Reserved for future codification purposes.

§ 108D-5: Reserved for future codification purposes.

§ 108D-6: Reserved for future codification purposes.

§ 108D-7: Reserved for future codification purposes.

§ 108D-8: Reserved for future codification purposes.

§ 108D-9: Reserved for future codification purposes.

§ 108D-10: Reserved for future codification purposes.